

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARTIN POLACKO,	:	Case No. 3:13-cv-253
	:	
Petitioner,	:	Judge Timothy S. Black
	:	
vs.	:	
	:	
EMILY OCHS CARLILE,	:	
	:	
Respondent.	:	

ORDER DISMISSING PETITIONER'S COMPLAINT AGAINST RESPONDENT EMILY OCHS CARLILE WITHOUT PREJUDICE FOR FAILURE OF SERVICE

This case has been pending on this Court's docket for more than 120 days and the docket contains no proof that Emily Ochs Carlisle ("Respondent") has been served. On December 3, 2013, the Court issued an Order to Show Cause notifying Petitioner that, as required by Fed. R. Civ. P. 4(m), the Court would dismiss the Complaint against Respondent, without prejudice, due to Petitioner's failure to properly effect timely service upon the Respondent if Petitioner failed to properly served them within 14 days. The docket shows no activity since the filing of the Court's December 3, 2013 Order to Show Cause.

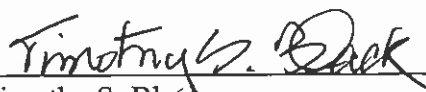
Pursuant to Fed.R.Civ.P. 4(m):

If a service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant[.]

(Emphasis added). Because Petitioner has failed to serve Respondent within the time frame set forth in Rule 4(m) and failed to show cause for such failure, this case is hereby **DISMISSED WITHOUT PREJUDICE**

IT IS SO ORDERED.

Date: 12/30/13



Timothy S. Black
United States District Judge